

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 12TH DAY OF AUGUST 2015/21ST SRAVANA, 1937

Crl.MC.No. 5248 of 2015

SC 99/2012 OF IST ADDITIONAL ASSISTANT SESSIONS COURT, ERNAKULAM
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PETITIONER(S)/ACCUSED PERSON:

**SARATH SIVAN, AGED 25,
S/O. SIVAN, KOLLAMKUDIYIL HOUSE, CHILLITHODU,
IRUMPUPALAM, ADIMALI, PIN 685 561.**

**BY ADVS.SRI.K.R.VINOD
MS.JENCY SUSAN JOSE
SRI.V.SRI NATH**

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**

BY PUBLIC PROSECUTOR SRI.GITHESH R.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
12-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

ALEXANDER THOMAS, J.

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Crl.M.C No.5248 of 2015

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Dated this the 12th day of August, 2015

O R D E R

The above captioned Crl.M.C. has been filed under Sec.482 of the Code of Criminal Procedure with the following prayers:

- “a. to direct the 1st Additional Assistant Sessions Court, Ernakulam to consider and dispose of the bail application filed by the petitioner in S.C No.99/2012 in the files of the 1st Additional Assistant Sessions Court, Ernakulam, on the same day of his surrender.
- b. to issue any other order or direction appropriate in the circumstances of this case.

2. Heard Sri.K.R Vinod, learned counsel for the petitioner and the learned Public Prosecutor appearing for the respondent-State of Kerala.

3. Having regard to the totality of the facts and circumstances of this case, it is ordered in the interest of justice that in case the petitioner voluntarily surrenders before the 1st Additional Assistant Sessions Court, Ernakulam (dealing with S.C No.99/2012), within two weeks from today, and submits necessary application for recall of the warrant and application for grant of bail, then the court below concerned shall consider those applications on

the same day itself, in accordance with law and taking into consideration the facts and circumstances of this case. It is further ordered that the petitioner shall give advance notice to the Prosecutor concerned attached to the court below concerned intimating the date and time of surrender before the court below, at least 24 hours prior to such proposed surrender. It is further ordered in the interest of justice that until orders are passed by the court below concerned as directed above, further coercive steps against the petitioner may be kept in abeyance for the time being. It is made clear that in case the petitioner does not surrender before the court below concerned within a period of two weeks as directed above, then the directions issued herein above shall automatically stand vacated. It is made clear that it is entirely within the province of the court below concerned to decide on the application for bail, in accordance with law.

With these observations and directions, the Crl.M.C. stands finally disposed of.

sd/-

sab

ALEXANDER THOMAS, JUDGE

